

DIST/OFFICE	DOCKET YR.	NUMBER	FILING DATE MO. DAY YEAR	J	N/S	O	R	H 23	\$	DEMAND OTHER	JUDGE NUMBER	JURY DEM.	YR.	DOCKET NUMBER
1085/4	76	0620	12 14 76	2	360	1				102	8509	P	76	0620-B

PLAINTIFFS	DEFENDANTS
RUBY McKNIGHT, Individually and as Surviving Mother for and on Behalf of the Heirs, Executors and Admini- strators of the Estate of Ronald McKnight, Deceased	UNITED STATES OF AMERICA and <del>THE CITY OF SAND SPRINGS, OKLAHOMA,</del> A Municipal Corporation <i>den 5 24 77</i>

CAUSE
Federal Tort Claims Act and for Negligence for wrongful death occurring at Low Water Dam east of Keystone Dam. T. 28 Section 1346 & T. 28 Section 2671 U.S.C.

<p style="text-align:center">ATTORNEYS</p> Stephen M. Booth Frank Hickman 1419 S. Denver Tulsa, OK 74119 <i>61-7170</i>	David W. Phillips (City of Sand Springs) 200 Roosevelt Sand Springs, Okla. 74063 918-245-1321  Robert P. Santee (U.S.A.) Asst. U. S. Atty.  <i>John H. ...</i>
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<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	01-01-77
				JS-6	8-1-78

DATE 1976	NR.	PROCEEDINGS
12-14	1.	Complaint with <u>JURY TRIAL DEMAND</u> as to deft. Sand Springs, filed. Summons issued.k
12-29	--	Summons, ret & filed: Served US Dist. Atty, Tulsa, OK on 12-14-76; Served Atty. Gen. Washington, D.C. by cert. mail, received in Wash. D.C. on 12-16-76.; Served City of Sand Springs; on 12-14-76. (USM \$8.16)ph
<u>1977</u>		
1-3	2.	Deft. City of Sand Springs' motion to dismiss, filed.s
1-3	3.	Deft's brief in support of deft's. motion to dismiss, filed.s
1-5	MO	It is ordered by the Court that the pltf. file a responsive brief within ten (10) days to deft. City of Sand Springs' motion to dismiss. s. (AEB-J) cps. mld.
1-12	4.	Response of Pltf. to Mot. to Dismiss fld. by the City Of Sand Springs, fld. v
2-7	5.	Answer of deft. U.S.A., filed.k
3-24	6.	Order, filed & entered, granting deft. City of Sand Springs' motion to dismiss. (AEB-J)k cps mld
4-1	MO	Parties are directed to hold a PT conference on or before 5-13-77 and file an agreed PTO on or before 5-20-77. (AEB-J)k cps mld
4-1	7.	Pltf's motion for new trial or to reconsider Order of 3-24-77 dismissing deft. City of Sand Springs, filed.k
4-4	8.	Brief in support of pltf's mot. for new trial or to reconsider, fld.k
4-4	MO	It is ordered by the Court that the City of Sand Springs is granted 10 days to respond to pltf's mot. for new trial or to reconsider. (AEB-J)k cps mld
4-13	9.	Response of City of Sand Springs to pltf's mot. for new trial or to reconsider Order of 3-24-77, filed.k
4-26	10	Pltf. Ruby McKnight, interrog. fld. ho
5-4	11	Deft. USA answers to Pltfs'. interrog. fld. ho
5-16	12	Order, filed & entered, that pltf's mot. for new trial or to reconsider is overruled. (AEB-J)k cps mld
6-3	13	Pre-trial Order, filed. (AEB-J)k cps mld
7-12	MO:	Case set for jury trial on 8-8-77, at 9:30 A.M. (AEB-J)b nts cert w/affid.
7-13	14.	Deft.'s notice of intention to take oral deposition of Mr. and Mrs. Robert Lucero and Daniel Lucero in Tulsa, Okla., fld. v -subpoenas issued.
7-21		Ret. of USM service of depos. sub. fld. Served Daniel Lucero on 7-15-77 in Tulsa; Mrs. Robert Lucero on 7-15-77 in Tulsa & Mr. Robert Lucero on 7-19-77 in Tulsa. (USM \$12.52) ho
7-28	MO	The pltf. having demanded a jury trial in this case, & it appearing to to the Court from a perusal of the file that this is a Federal Tort Claims Act action and pltf. is not entitled to a jury trial, IT IS ORDERED that this case be stricken from the jury docket set for 8-8-77, to be reset on the next non-jury docket. (AEB-J)k cps mld
8-5	--	Depositions of Daniel Raymond Lucero, Robert Gene Lucero and Juanita Annita Lucero, taken on 7-26-77 at Tulsa, OK. (G.R. Dorrough-CSR)ph
8-12	MO:	Case set for non-jury trial on 9-19-77, at 10:00 A.M. (AEB-J)b nts cert w/affid.
8-30	15	Deft. USA trial brief. fld. ho
9-14	16.	Deft's exhibit affidavit, filed. b
9-15	MO:	With the agreement of the parties, & pursuant to %. 28 USC Sec.636, IT IS ORDERED that this case is stricken from non-jury docket of 9-19-77, & referred to & assigned to U.S.Mag. Robert Rizley, for non-jury trial. (AEB-J)b ltr mld
9-19		Ret. of USM service of Sub. fld., Served Robert Lucero on 9-13-77 in Tulsa; Mrs. Robert Lucero on 9-13-77 in Tulsa; & Daniel Lucero on 9-13-77 in Tulsa. (USM \$7.36) ho

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>76-C-620</u> PAGE <u>3</u> OF <u>2</u> <del>XXXX</del> sheets
Ruby McKnight, etc.		U. S. A.	
DATE 1977	NR.	PROCEEDINGS	
10-4	MO	Case set for non-jury trial before Mag. Rizley on 10-27-77 at 9:30 a.m. (RSR-Mag)k ntc by NS	
10-25	17	Stipulation re testimony of Russell Core and E. A. Jackson, fld. v	
10-25	18	Trial brief of Plaintiff, fld. v <i>Copies to Mag by Richardson</i>	
10-27	Min	Case called for non-jury trial. Parties present & represented. Parties announce ready. Pltf. presents case in chief w/ testimony of witnesses. Pltf's exhibits 1 through 10 admitted into evidence. Pltf. rests. Deft. presents case in chief w/ testimony of witness. Deft's exhibits 1 through 12 admitted into evidence. Deft. rests. Mag. takes case under advisement. Pltf. to submit recommended F/F & C/L and brief by 11-1-77, and deft. to submit proposed F/F & C/L and brief by 11-9-77, following which the Court will enter judgment. (RSR-Mag)k	
10-28	--	Ret. of civil subpoena, fld. Served Mrs. Robert Lucero on 10-27-77 in U. S. Atty. office, Tulsa, OK, & Daniel Lucero on 10-27-77 in U.S. Atty. office, Tulsa, OK. Served by Merry Trimble. ho	
11-7	--	Reporter's transcript of non-jury trial held 10/27/77, filed. rm (Linda Walker - CR) <i>orig &amp; copy to Rizley</i>	
11-8	MO	Upon request of deft. counsel, and with agreement of pltf. counsel, deft. is granted until 11-18-77 to prepare F/F and C/L and brief. (RSR-mag)k ntc by KT by phone	
11-21	19	Pltf's response to deft's suggested F/F and C/L, filed.k	
1978			
3-2	20	Findings & Recommendations of the Mag., filed. Mag. finds for the pltf. & against the deft. & recommends that judgment be entered in accordance therewith in the sum of \$26,060.52, and costs. (RSR-Mag)k cps mld	
3-10	21.	Objection to Findings and Recommendations of Magistrate, fld. by U.S.A. v	
3-10	22.	Brief in Support, filed.	
3-10	MO:	Ordered that Pltf. is granted 10 days to respond, from this date. (AEB-J)v	
3-21	23	Pltfs. response to Defts. brief in supp. of obj. to F/R of Mag. fld. ho	
5-4	24	Order, fld. The Ct. finds & directs that this matter be resubmitted to the U.S. Mag. for a supplemental report encompassing the obj. raised by the Deft. as to findings 13 & 14 appearing on pg. 10 of his recommendations. In view of this determination by this Ct. of the resubmission, the Ct. will sustain the obj. of the Deft. & allow renewal of obj. by the parties w/in 10 days after submission of the supplemental report, said supplemental report to be considered by this Ct. with the original report submitted by the Mag. (AEB-J)ho c/m	
5-5	25	Amended F&R of the Mag., filed, amending F/F #7. (RSR-Mag)k cps mld	
5-15	26	Deft. obj. to F& R of Mag. & amended F/R of Mag. fld. ho ho	
5-15	27	Deft. brief in supp. of obj. to F/R of Mag. & amended F/R of Mag. fld.	
5-15	MO	It is ordered that the Pltf. is granted 10 days to file responsive brief to Deft. obj. to F/R of Mag. & amended F/R of Mag. (AEB-J)ho c/m	
5-22	28	Pltfs. response to Defts. brief in supp. of obj. to F/R of Mag. & amended F/R of Mag. fld. ho	
8-10	29	Order, Findings of Fact, and Conclusions of Law, filed, that pltf. is entitled to recover damages from the deft. plus costs. (AEB-J)k	
8-10	30	Judgment, filed & entered, in favor of the pltf. in the sum of \$26,060.52 plus costs, against deft. U.S.A. (AEB-J)k cps mld	

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. _____
		PAGE ____ OF ____ PAGES

DATE 1978	NR.	PROCEEDINGS
8-15	31	Pltf. bill of costs in the amt. of \$161.40, fld. hrg. set for 8-22-78 at 10:00 a.m. before JSC. ntc. by Pltf. ho
8-22	--	Costs taxed in the amt. of \$161.40. (JCS-Clk)ho fld.
10-10	32	Deft. USA not. of appeal, fld. ho
11-16	33	Appl. of deft. for enlargement of time to transmit appeal record, filed. rm - (0)
11-17	34	Order, fld It is ordered that the USA is granted an enlargement of time to transmit the record on appeal from 11-19-78, to and including 1-8-79. (AEB-J)ho cpy. to 10th cir. & c/m
12-20	35	Deft. withdrawal of notice of appeal, fld. ho
3-5-79	36.	Release and Satisfaction of Judgment entered on 8-10-78. b